

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Z.F.1 and Z.F.2, *MINORS, BY THEIR PARENT*
AND NATURAL GUARDIAN, VERNON BROADUS,
Plaintiffs,

v.

BETHANNA; WAYNE KEENY; ROSELLA KEENY;
and DEFENDER ASSOCIATION OF PHILADELPHIA,
Defendants.

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No. 5:17-cv-04821

ORDER

AND NOW, this 7th day of December, 2017, upon consideration of the Stipulation and Order dated November 1, 2017, substituting the United States as the sole federal defendant and dismissing claims against the United States without prejudice to allow Plaintiff to exhaust administrative remedies, *see* ECF No. 4; of the Order dated November 2, 2017, stating that in light of the stipulation it appeared that this Court does not have original jurisdiction over any remaining claims or parties, and directing the parties to file briefs on or before November 20, 2017, addressing whether this Court should exercise supplemental jurisdiction or whether this matter should be remanded to the Court of Common Pleas, *see* ECF No. 5; of the unopposed¹ Motion to Dismiss the Cross-Claim of Defendant Bethanna, seeking to dismiss Bethanna's cross-claim with prejudice and arguing that once the cross-claim is dismissed there is no basis for this Court to exercise supplemental jurisdiction, *see* ECF No. 6; of Plaintiffs' unopposed² Motion to

¹ No party has filed an opposition brief to the motion. *See* Local Rule 7.1 (providing that "any party opposing the motion shall serve a brief in opposition together with such answer or other response that may be appropriate, within fourteen (14) days after service of the motion and supporting brief [and i]n the absence of timely response, the motion may be granted as uncontested").

² No party has filed an opposition brief to the motion. *See* Local Rule 7.1.

Remand this action back to the Philadelphia County Court of Common Pleas, *see* ECF No. 8, and in the absence of any brief asserting that this Court should exercise supplemental jurisdiction, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss the Cross-Claim of Defendant Bethanna, ECF No. 6, is **GRANTED**. Roger Kimber, Jr., M.D., and Welsh Mountain Health Center are dismissed with prejudice from all claims in this action, including the cross-claim.
2. The Motion to Remand, ECF No. 8, is **GRANTED**, and this action is **REMANDED** to the Philadelphia County Court of Common Pleas, Case No. 170702958.
3. The above-captioned action is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge